

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

**OMNICARE DISTRIBUTION CENTER, L.L.C.’S MOTION
TO BE EXCUSED FROM JUNE 22, 2022 STATUS CONFERENCE**

Omnicare Distribution Center, L.L.C. (“Omnicare”) respectfully moves the Court for an order excusing it from attending the June 22, 2022 status conference with the non-major Distributor and Manufacturer Defendant Families and from submitting a status report in advance of the hearing. As set forth below, Omnicare falls within the CVS family of entities:

1. On April 21, 2022, the Court entered an order setting a status conference on June 22, 2022 with “the ten Distributor and Manufacturer Defendant Families most frequently named in MDL cases,” exclusive of the “major” defendants already in litigation in the MDL. Doc. 4380. The Court ordered each new Defendant Family attending the status conference to submit a status report by June 20, 2022. *Id.*

2. One of the new Distributor Defendant Families identified in the Court’s order is Omnicare. Omnicare, however, was acquired by CVS in 2015,¹ and CVS entities already are defendants in the ongoing Pharmacy Defendant litigation cited in the Court’s order. CVS is or has

¹ Omnicare pharmacies serve patients in residential facilities, such as hospice, senior living and rehabilitation facilities. The vast majority of Omnicare patients are seniors. The Omnicare entity at issue here—Omnicare Distribution Center, L.L.C.—closed in 2016. Prior to that time, it distributed prescription drugs only to Omnicare pharmacies. It did not distribute to any other pharmacies.

been a defendant in eight bellwether case tracks, including seven currently active case tracks (Track Three, Cherokee Nation, Montgomery County, Cobb County, Tarrant County, Santa Fe County, and Durham County).

3. As a part of the CVS corporate family, Omnicare respectfully requests that the Court enter an order excusing it from attending the June 22, 2022 status conference for new Defendant Families and from submitting a joint status report on June 20, 2022.

Dated: May 26, 2022

Respectfully submitted,

/s/ Eric R. Delinsky

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record on May 26, 2022.

/s/ *Eric R. Delinsky*
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